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Jury Acquits Two in Plane Deal Rejects CIA's Innocence Tale

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BUFFALO — The Central Intelligence Agency has aided the sale of U.S. B-26 bombers for use against rebels in Portugal's African colonies. That is, in effect, the acquittal verdict which a federal jury reached last week in the Hawke-Montmarin trial.

The two men, John R. Hawke, a former RAF pilot, and Count Henri Marie Francois de Montmarin, a French airplane broker, were charged with violation of the Federal Munitions Control Act, which forbids unlicensed export of military materiel to any foreign country except Canada.

Hawke and Montmarin testified that they had been working for the CIA.

The CIA said they had not.

The jury, apparently, believed Hawke and Montmarin.

The wired impact of the jury's decision became evident the day following the verdict. The verdict would undermine government witnesses in the future when the CIA or any other secret government operations are brought into open court.

Reaction in Buffalo was such that Dr. William B. Fox, jury foreman, declared Friday that the jury had not impugned the credibility of the government's case. "The jury," said Fox, "rejected the defense allegation the U.S. Government was in any way involved in the transaction."

Fox did not, however, attempt to explain what the basis of the jury's decision had been, if it was not disbelief in the government's story.

Edwin Marger and Edward Brodsky, attorneys for Hawke and Montmarin, have contended throughout the trial that the entire enterprise was a secret operation of the CIA. Although this was contested by the prosecution, CIA documents produced at the trial showed that the Agency,

as well as over a dozen other Federal agencies, had full knowledge of the flights at least four days before the first plane left for Portugal.

Martin Caiden, aeronautics writer and frequent consultant to the Air Force, testified during the trial that he had discussed CIA participation in the project with officers of the U.S. Air Force and had been assured by Gregory H. Board, the man responsible for carrying out the transaction, that the plan had been worked out in cooperation with the CIA.

Caiden had also stated prior to the trial, that he himself had

first recommended Hawke for the flights to Portugal.

Hawke has stated that he was recruited for the flights in the summer of 1965 by Board, who indicated that the planes were to be used in Angola and Mozambique. Board, also named in the indictment, had left the country, presumably to avoid prosecution.

The planes, Hawke stated, were purchased from an Arizona firm, ostensibly by a Canadian, for immediate shipment to Portugal. The money came through Switzerland. The deal was arranged by Count de Montmarin.